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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 74451.P127D1

(maximum 12 characters)

First Named Inventor Edward L. Schwartz, et al.

Title: "METHOD AND APPARATUS FOR PERFORMING PROGRESSIVE ORDER CONVERSION"

Express Mail Label No. EL672748307US

PTO
09/800932
03/06/01

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X **Fee Transmittal Form (e.g., PTO/SB/17)**
(Submit an original, and a duplicate for fee processing)
2. **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. X **Specification (Total Pages 92)**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. X **Drawings(s) (35 USC 113) (Total Sheets 26)**
5. X **Oath or Declaration (Total Pages 5)**
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. **Application Data Sheet. (37 CFR 1.76)**
7. **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ **Assignment Papers (cover sheet & documents(s))**
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- ☐ b. Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ a. Information Disclosure Statement (IDS)/PTO-1449
- ☐ b. Copies of IDS Citations
13. ☐ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. ☐ Other: _____

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)
Of Prior Application No.: Not yet assigned Examiner not assigned Group Art Unit not assigned
 (which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. _____,
 which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is
 the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an
 assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____
 (or a copy of which is attached).

19. Correspondence Address

☐ Customer Number or Bar Code Label _____
 or (Insert Customer No. or Attach Bar Code Label here)

☒ Correspondence Address Below

NAME Michael J. Mallie

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): Michael J. Mallie Registration No.: 36,591

Signature:  Date: March 6, 2001

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)First Named Inventor Edward L. SchwartzTitle METHOD AND APPARATUS FOR PERFORMING PROGRESSIVE ORDER CONVERSIONAttorney Docket No. 74451.P127D1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 6, 2001

Date



Signature

Michael J. Mallie

Typed or Printed Name

36,591

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

FEE TRANSMITTAL FOR FY 2001**TOTAL AMOUNT OF PAYMENT (\$)** 790.00**Complete if Known:**Application No. Not yet assignedFiling Date Not yet assignedFirst Named Inventor Edward L. SchwartzGroup Art Unit Not yet assignedExaminer Name Not yet assignedAttorney Docket No. 74451.P127D1**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check
☐ Credit Card
☐ Money Order
☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------------------|-------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 101 | 710 | 201 | 355 | Utility application filing fee | <u>710.00</u> |
| 106 | 320 | 206 | 160 | Design application filing fee | <u> </u> |
| 107 | 490 | 207 | 245 | Plant filing fee | <u> </u> |
| 108 | 710 | 208 | 355 | Reissue filing fee | <u> </u> |
| 114 | 150 | 214 | 75 | Provisional application filing fee | <u> </u> |

SUBTOTAL (1) \$ 710.00**2. EXTRA CLAIM FEES**

| | | | Extra Claims | Fee from below | Fee Paid |
|--------------------|-----------|----------|--------------|-------------------|---------------------|
| Total Claims | <u>20</u> | - 20** = | <u>0</u> | X <u>18.00</u> | = <u>0</u> |
| Independent Claims | <u>4</u> | - 3** = | <u>1</u> | X <u>80.00</u> | = <u>80.00</u> |
| Multiple Dependent | | | | <u> </u> | = <u> </u> |

****Or number previously paid, if greater; For Reissues, see below.**

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$ 80.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| <u>Large Entity</u> | | <u>Small Entity</u> | | <u>Fee Description</u> | <u>Fee Paid</u> |
|---------------------|-----------------|---------------------|-----------------|--|-----------------|
| <u>Fee Code</u> | <u>Fee (\$)</u> | <u>Fee Code</u> | <u>Fee (\$)</u> | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | _____ |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | _____ |
| 139 | 130 | 139 | 130 | Non-English specification | _____ |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | _____ |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | _____ |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | _____ |
| 115 | 110 | 215 | 55 | Extension for reply within first month | _____ |
| 116 | 390 | 216 | 195 | Extension for reply within second month | _____ |
| 117 | 890 | 217 | 445 | Extension for reply within third month | _____ |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | _____ |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | _____ |
| 119 | 310 | 219 | 155 | Notice of Appeal | _____ |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | _____ |
| 121 | 270 | 221 | 135 | Request for oral hearing | _____ |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | _____ |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | _____ |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | _____ |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | _____ |
| 143 | 440 | 243 | 220 | Design issue fee | _____ |
| 144 | 600 | 244 | 300 | Plant issue fee | _____ |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | _____ |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | _____ |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | _____ |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | _____ |
| 146 | 710 | 246 | 355 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | _____ |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (see 37 CFR 1.129(b)) | _____ |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | _____ |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | _____ |
| 195 | 300 | 195 | 300 | Publication fee for early, voluntary, or normal publication | _____ |
| 196 | 300 | 196 | 300 | Publication fee for republication | _____ |
| 194 | 130 | 194 | 130 | Request for voluntary publication or republication | _____ |
| 098 | 130 | 098 | 130 | Processing fee under 37 CFR 1.17(i) | _____ |
| 091 | 1,240 | 091 | 1,240 | Acceptance of unintentionally delayed claim for priority | _____ |

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 0

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Michael J. MallieSignature: _____ Date: March 6, 2001Reg. Number: 36,591 Telephone Number: 408-720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.